

REMARKS

Claims 1-5, 8, 10-16 and 18-19 are pending in this application. By this Amendment, claims 1 and 8 are amended for clarity. No new matter is added.

I. Rejections under 35 U.S.C. §112, second paragraph**1. Claim 1**

With regards to the rejection under 35 U.S.C. §112, second paragraph, of claim 1, specifically regarding line 18, "a metal material article to be treated of a steel material," Applicants respectfully further traverse the rejection. (All references to claim line numbers are with respect to the claims as presented in the Amendment After Final Rejection filed March 28, 2008, *not* with respect to the currently amended claims, in order to accord with the notation used in the Advisory Action.)

Without admitting the propriety of the rejection, and in the interest of advancing prosecution, claim 1 is amended. Specifically, claim 1 is amended to recite "a Fe ion source, the Fe ion source being at least one of an electrode (when said electrode comprises Fe) and/or the metal material article to be treated (when the metal article to be treated comprises a steel material)." By this amendment, claim 1 is clarified to recite that the Fe ions come from a Fe ion source, which can be at least one of an electrode or the metal material article to be treated, *when* the electrode and/or metal material article to be treated *meet the conditions as recited*. Those conditions are that the electrode must comprise Fe, and the metal material article to be treated must comprise a steel material, in order for either to act as a Fe ion source. The recitation of "a Fe ion source" does not constitute new matter, because this recitation merely *clarifies* where the Fe ions come from. Therefore, amended claim 1 shows the intended meaning of the prior used phrase "a metal material article to be treated of a steel material."

Accordingly, the rejection should be withdrawn because any alleged indefiniteness has been clarified. Reconsideration and withdrawal of the rejection are respectfully requested.

2. Claim 2

With regard to the rejection under 35 U.S.C. §112, second paragraph, of claim 2, Applicants refer to the discussion in the Amendment filed October 28, 2008. Specifically, with regard to the phrase at lines 2-3, "an electrode material that dissolved in the treatment bath," Applicants respectfully submit that "an electrode material" in claim 2 is not limited to a Fe electrode because the electrode in claim 1 is not limited to a Fe electrode. In particular, the electrode recited in amended claim 1 does not necessarily comprise Fe, but merely acts as a Fe ion source *when* it comprises Fe.

Accordingly, the rejection should be withdrawn because any alleged indefiniteness has been clarified. Reconsideration and withdrawal of the rejection are respectfully requested.

3. Claim 8

With regard to claim 8, line 2, "the metal ions that form a complex with the phosphoric acid," claims 1 and 8 are hereby amended to recite "with the phosphate ions and phosphoric acid." Accordingly, the recitation in dependent claim 8 has antecedent basis in independent claim 1. Applicants also note that claim 2 recites "with a phosphoric acid and the phosphate ions," such that this feature is consistent across all of the claims.

Accordingly, the rejection should be withdrawn because any alleged indefiniteness has been clarified. Reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Samuel T. Dangremond
Registration No. 60,466

JAO:STD/emd

Date: January 28, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461